



United States Department of Agriculture
Food and Nutrition Service

Southeast Region

Reply to

Attn. of: SERO Policy

April 21, 2003

Subject: SFSP Policy Memorandum 225.06-36; NSLP Policy Memorandum 245.03-15:
Categorical Eligibility for Upward Bound Sites for Fiscal Year (FY) 2003 and Questions
and Answers

To: All State Agency Directors
Summer Food Service Program (SFSP)
National School Lunch Program (NSLP)
Southeast Region

This Policy Memorandum replaces prior guidance issued on the above subject in FY 2002, therefore, SFSP 225.06-26 and SFSP 225.06-30 are rescinded and should be removed from your SERO numbered policy system.

Based on the positive response from last year, we will continue to allow States to consider Upward Bound sites to be categorically eligible to participate in the SFSP based on the eligibility criteria for the Upward Bound program through Fiscal Year 2003. SFSP regulations, 7 CFR 225.15(f), Applications for Program Meals, state "Applications are not necessary if other information sources are available and can be used to determine eligibility of individual children in camps or sites." The SFSP and Upward Bound program both have an income eligibility threshold of 185% of the national poverty guideline. In addition, the Upward Bound program requires that a minimum of two thirds of its participants qualify as "low income" participants, which exceeds the 50% requirement of the SFSP. We consider these conditions to satisfy the requirements of SFSP regulations with regard to available "information sources" that "can be used to determine eligibility of individual children in camps or sites."

Therefore, State agencies may consider closed enrolled sites that provide service exclusively to Upward Bound program participants to be "categorically eligible" without SFSP specific applications for individual program participants.

Summer Camps and SFSP sites that provide service to both Upward Bound and non Upward Bound participants (nonexclusive Upward Bound sites) may not be approved as categorically eligible. However, State agencies may allow these sponsors to use the Upward Bound application in lieu of the SFSP application to determine income eligibility for all SFSP participants.

All other SFSP documentation and record retention requirements remain in effect. Attached is a set of questions and answers on Upward Bound you may find helpful. Please contact our office if you have any questions.

PEGGY FOUTS
Regional Director
Special Nutrition Programs

Attachment

Upward Bound Questions and Answers on SFSP – FY 2003

By way of clarification, the guidance outlined in the memorandum stipulates that an Upward Bound application can be used in lieu of an SFSP application in the same way that an NSLP application can be used in lieu of an SFSP application. The basis for this is the cited regulatory provision [7 CFR 225.15 (f)], which says “Applications are not necessary if other information sources are available and can be used to determine eligibility of individual children in camps or sites.”

Q: Does ‘categorical eligibility’ apply to camp sites, (i.e. can Upward Bound camp sites automatically claim meals for all children)?

A: No. The memo describes "categorical eligibility" of closed enrolled Upward Bound sites. It is not saying that all children attending an Upward Bound site are considered needy, i.e. Upward Bound children are not categorically eligible by SFSP standards. However, since over 50% of Upward Bound children do meet the free meal eligibility standards, it allows us to automatically qualify a site of Upward Bound participants as an eligible closed enrolled site.

Although the memo is titled "Categorical Eligibility for Upward Bound Sites"; in fact the memo describes two distinct situations - categorical eligibility for enrolled sites, and using Upward Bound applications in place of SFSP family-size/income applications in camps. Enrolled sites that provide service exclusively to Upward Bound program participants are “categorically eligible” without the need to collect SFSP free meal applications for individual program participants. Unlike enrolled sites, which need to establish the eligibility of only 50% of their enrollees to provide free meals to all participants, a camp site cannot be categorically eligible. Camps **sites** do not have any eligibility based on a percent of needy participants. Camps are reimbursed based on the number of meals served to eligible children. To do this, the individual eligibility of each camper must be established. Since not all Upward Bound children meet the SFSP free meal eligibility standard, camps may not be approved as categorically eligible.

Q: On a review at an Upward Bound camp site, does the State need to review each child's Upward Bound application in the same way they would review an SFSP free meal application or could the Upward Bound site provide either a list of eligible children or just certify that they are claiming only income eligible children?

A: The memo allows an Upward Bound camp to use the Upward Bound family application as a replacement for the SFSP application. There is no change in the method of reviewing applications - i.e. States need to review each child's Upward Bound application in the same way they would review an SFSP free meal application to determine that it was properly classified as approved or denied.

Q. Do we have the legal right to review Upward Bound applications? (This is a concern about privacy issues.)

A. We are not aware of any restrictions under Upward Bound legislation that would prohibit a State or Federal reviewer from seeing Upward Bound family applications. However, if an Upward Bound program does not believe it can allow a State reviewer to see those family applications, then it will need to continue using the SFSP free meal application, as in the past.

Q: Upward Bound and the SFSP define conditions of eligibility differently and, unlike the SFSP, Upward Bound does not necessarily gather new income eligibility data every year. Is a child who is determined to be eligible based on his Upward Bound application considered to be eligible in the SFSP even if the Upward Bound application was taken prior to the current year?

A: While we recognize there are some differences in the way Upward Bound and the SFSP gather and evaluate eligibility data, we believe the vast majority of sites that can be classified as eligible based on the number of Upward Bound participants would be eligible if SFSP applications were taken for the children as well. In addition, we believe that the majority of children who are eligible for Upward Bound would be determined eligible for the SFSP should an SFSP application be completed. We are committed to treating the two applications as equal for this program year; however, we will reevaluate this position prior to deciding whether to extend this interpretation for use in future years.